

PERSONNEL

Nondiscrimination and Affirmative Action

Nondiscrimination

The primary purpose of this procedure is to make every reasonable effort to obtain an equitable solution to a justifiable complaint. To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the district will be adversely affected in any way because the staff member utilized these procedures. The district is prohibited by law from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

As used in this procedure,

- A. "Complaint" will mean a charge alleging specific acts, conditions or circumstances which are in violation of the anti-discrimination laws.
- B. "Respondent" will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

Informal Process for Resolution

Prior to making a formal complaint as outlined in Level One below, when a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, or the Affirmative Action/Title IX Compliance Officer within 30 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the compliance officer before pursuing formal procedures.

The Affirmative Action/Title IX Compliance Officer or designee will attempt to informally resolve the complaint and shall notify the complainant within thirty (30) calendar days of a proposed resolution. If the discussion with the officer or immediate supervisor does not resolve the issue, the staff member may proceed to the formal review procedures. During the course of the informal process, the District will notify complainant of their right to file a formal complaint.

Formal Process for Resolution

Level One: Complaint to District

If the employee chooses not to follow the informal resolution process outlined above or is not satisfied with the proposed resolution, the employee may make a formal complaint. Such complaint must be filed with the Affirmative Action/Title IX Compliance Officer as soon as possible, but no later than thirty (30) calendar days following the alleged discrimination.

1. The formal complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation of the District Regulations or obligations with regard to prohibition of discrimination.
2. The compliance officer or designee shall conduct a prompt and thorough investigation into the allegations.
3. The School District and complainant may agree to resolve the complaint in lieu of an investigation.
4. The compliance officer shall provide the superintendent with a full written report of the complaint and the result(s) of the investigation.

The superintendent shall respond in writing to the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the District must notify the complainant in writing of the reasons for the extension and the anticipated response date.

1. The decision of the superintendent or designee will include:
  - a. a summary of the results of the investigation;
  - b. whether the District has failed to comply with anti-discrimination laws;
  - c. if non-compliance is found, corrective measures the District deems necessary to correct it; and
  - d. Notice of the complainant's right to appeal to the school Board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.
2. Corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

Level Two - Appeal to Board of Directors

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may file a written notice of appeal with the Districts' Board of Directors by the tenth (10<sup>th</sup>) calendar day following the date upon which the complainant received the superintendent's response.

The Board shall schedule a hearing to commence by the twentieth (20<sup>th</sup>) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the Board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Office of Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the Office of Superintendent of Public Instruction.

Level Three - Complaint to the Superintendent of Public Instruction

In the event a complainant remains aggrieved with the decision of the Board, the complainant may appeal the decision to any federal or state agency empowered with the authority to resolve such a complaint.

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the Office of Superintendent of Public Instruction.

1. A complaint must be received by the Office of Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Office of Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the

complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

#### Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

#### Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the compliance officer for a period of 6 years.

Resources

District Contact

Jeanne Beckon  
Assistant Superintendent of Human Resources  
Civil Rights/Title IX Compliance Officer  
Central Kitsap School District  
9210 Silverdale Way NW  
Silverdale, WA 98383  
360-662-1682

State Contacts

Superintendent of Public Instruction  
Equity and Civil Rights Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
360.725.6162

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
360.753.6770

Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600

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